

By: Gonzales of Williamson

H.B. No. 3302

Substitute the following for H.B. No. 3302:

By: Cook

C.S.H.B. No. 3302

A BILL TO BE ENTITLED

AN ACT

relating to the sunset review process and certain governmental entities subject to that process.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. ENTITIES GIVEN 2019 SUNSET DATE

SECTION 1.01. BANDERA COUNTY RIVER AUTHORITY AND GROUNDWATER DISTRICT. Section 1A(a), Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971, is amended to read as follows:

(a) The district is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the district were a state agency scheduled to be abolished September 1, 2019 [~~2023~~], and every 12th year after that year.

SECTION 1.02. LAVACA-NAVIDAD RIVER AUTHORITY. Section 1A(a), Chapter 186, Acts of the 50th Legislature, Regular Session, 1947, is amended to read as follows:

(a) The District is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the District were a state agency scheduled to be abolished September 1, 2019 [~~2023~~], and every 12th year after that year.

SECTION 1.03. UPPER GUADALUPE RIVER AUTHORITY. Section

1 1A(a), Chapter 5, page 1062, Special Laws, Acts of the 46th  
2 Legislature, Regular Session, 1939, is amended to read as follows:

3 (a) The District is subject to review under Chapter 325,  
4 Government Code (Texas Sunset Act), but may not be abolished under  
5 that chapter. The review shall be conducted under Section 325.025,  
6 Government Code, as if the District were a state agency scheduled to  
7 be abolished September 1, 2019 [~~2021~~], and every 12th year after  
8 that year.

9 ARTICLE 2. ENTITIES GIVEN 2021 SUNSET DATE

10 SECTION 2.01. TEXAS COMMISSION OF LICENSING AND REGULATION  
11 AND TEXAS DEPARTMENT OF LICENSING AND REGULATION. Section 51.002,  
12 Occupations Code, is amended to read as follows:

13 Sec. 51.002. APPLICATION OF SUNSET ACT. The Texas  
14 Commission of Licensing and Regulation and the Texas Department of  
15 Licensing and Regulation are subject to Chapter 325, Government  
16 Code (Texas Sunset Act). Unless continued in existence as provided  
17 by that chapter, the commission and the department are abolished  
18 September 1, 2021 [~~2019~~].

19 SECTION 2.02. TEXAS STATE BOARD OF PLUMBING EXAMINERS.  
20 Section 1301.003, Occupations Code, is amended to read as follows:

21 Sec. 1301.003. APPLICATION OF SUNSET ACT. The Texas State  
22 Board of Plumbing Examiners is subject to Chapter 325, Government  
23 Code (Texas Sunset Act). Unless continued in existence as provided  
24 by that chapter, the board is abolished and this chapter expires  
25 September 1, 2021 [~~2019~~].

26 SECTION 2.03. NUECES RIVER AUTHORITY. Section 1.02A(a),  
27 Chapter 427, Acts of the 44th Legislature, 1st Called Session,

1 1935, is amended to read as follows:

2 (a) The authority is subject to review under Chapter 325,  
3 Government Code (Texas Sunset Act), but may not be abolished under  
4 that chapter. The review shall be conducted under Section 325.025,  
5 Government Code, as if the authority were a state agency scheduled  
6 to be abolished September 1, 2021 [~~2019~~], and every 12th year after  
7 that year.

8 SECTION 2.04. SAN ANTONIO RIVER AUTHORITY. Section 1-a(a),  
9 Chapter 276, Acts of the 45th Legislature, Regular Session, 1937,  
10 is amended to read as follows:

11 (a) The District is subject to review under Chapter 325,  
12 Government Code (Texas Sunset Act), but may not be abolished under  
13 that chapter. The review shall be conducted under Section 325.025,  
14 Government Code, as if the District were a state agency scheduled to  
15 be abolished September 1, 2021 [~~2023~~], and every 12th year after  
16 that year.

17 SECTION 2.05. TRINITY RIVER AUTHORITY OF TEXAS. Section  
18 1A(a), Chapter 518, Acts of the 54th Legislature, Regular Session,  
19 1955, is amended to read as follows:

20 (a) The Authority is subject to review under Chapter 325,  
21 Government Code (Texas Sunset Act), but may not be abolished under  
22 that chapter. The review shall be conducted under Section 325.025,  
23 Government Code, as if the Authority were a state agency scheduled  
24 to be abolished September 1, 2021 [~~2023~~], and every 12th year after  
25 that year.

26 ARTICLE 3. ENTITIES GIVEN 2023 SUNSET DATE

27 SECTION 3.01. LOWER NECHES VALLEY AUTHORITY. Section

1 8504.0021(a), Special District Local Laws Code, is amended to read  
2 as follows:

3 (a) The authority is subject to review under Chapter 325,  
4 Government Code (Texas Sunset Act), but may not be abolished under  
5 that chapter. The review shall be conducted under Section 325.025,  
6 Government Code, as if the authority were a state agency scheduled  
7 to be abolished September 1, 2023 [~~2021~~], and every 12th year after  
8 that year.

9 SECTION 3.02. RED RIVER AUTHORITY OF TEXAS. Section 1A(a),  
10 Chapter 279, Acts of the 56th Legislature, Regular Session, 1959,  
11 is amended to read as follows:

12 (a) The Authority is subject to review under Chapter 325,  
13 Government Code (Texas Sunset Act), but may not be abolished under  
14 that chapter. The review shall be conducted under Section 325.025,  
15 Government Code, as if the Authority were a state agency scheduled  
16 to be abolished September 1, 2023 [~~2019~~], and every 12th year after  
17 that year.

18 SECTION 3.03. SABINE RIVER AUTHORITY OF TEXAS. Section  
19 2A(a), Chapter 110, Acts of the 51st Legislature, Regular Session,  
20 1949, is amended to read as follows:

21 (a) The district is subject to review under Chapter 325,  
22 Government Code (Texas Sunset Act), but may not be abolished under  
23 that chapter. The review shall be conducted under Section 325.025,  
24 Government Code, as if the district were a state agency scheduled to  
25 be abolished September 1, 2023 [~~2021~~], and every 12th year after  
26 that year.

ARTICLE 4. ENTITIES GIVEN 2025 SUNSET DATE

SECTION 4.01. OFFICE OF STATE-FEDERAL RELATIONS. Section 751.003, Government Code, is amended to read as follows:

Sec. 751.003. SUNSET PROVISION. The Office of State-Federal Relations is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the office is abolished and this chapter expires September 1, 2025 [~~2021~~].

SECTION 4.02. TEACHER RETIREMENT SYSTEM OF TEXAS. Section 825.006, Government Code, is amended to read as follows:

Sec. 825.006. SUNSET PROVISION. The board of trustees of the Teacher Retirement System of Texas is subject to review under Chapter 325 (Texas Sunset Act), but is not abolished under that chapter. The board shall be reviewed during the period in which state agencies abolished in 2025 [~~2019~~], and every 12th year after that year, are reviewed.

SECTION 4.03. TEXAS FACILITIES COMMISSION. Section 2152.002, Government Code, is amended to read as follows:

Sec. 2152.002. SUNSET PROVISION. The Texas Facilities Commission is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this subtitle, except for Chapter 2170 and Section 2157.121, expires September 1, 2025 [~~2021~~].

SECTION 4.04. TEXAS REAL ESTATE COMMISSION. Section 1101.006, Occupations Code, is amended to read as follows:

Sec. 1101.006. APPLICATION OF SUNSET ACT. The Texas Real Estate Commission is subject to Chapter 325, Government Code (Texas

1 Sunset Act). Unless continued in existence as provided by that  
2 chapter, the commission is abolished and this chapter, Chapter  
3 1102, and Chapter 1303 of this code and Chapter 221, Property Code,  
4 expire September 1, 2025 [~~2019~~].

5 SECTION 4.05. TEXAS APPRAISER LICENSING AND CERTIFICATION  
6 BOARD. Section 1103.006, Occupations Code, is amended to read as  
7 follows:

8 Sec. 1103.006. APPLICATION OF SUNSET ACT. The Texas  
9 Appraiser Licensing and Certification Board is subject to Chapter  
10 325, Government Code (Texas Sunset Act). Unless continued in  
11 existence as provided by that chapter, the board is abolished and  
12 this chapter and Chapter 1104 expire September 1, 2025 [~~2019~~].

13 ARTICLE 5. ENTITIES REMOVED FROM SPECIFIC SUNSET REVIEW

14 SECTION 5.01. REGIONAL EDUCATION SERVICE CENTERS. Section  
15 8.010, Education Code, is repealed.

16 SECTION 5.02. MATERNAL MORTALITY AND MORBIDITY TASK FORCE.  
17 Section 34.018, Health and Safety Code, is repealed.

18 SECTION 5.03. PALLIATIVE CARE INTERDISCIPLINARY ADVISORY  
19 COUNCIL. Section 118.003, Health and Safety Code, is repealed.

20 SECTION 5.04. PERINATAL ADVISORY COUNCIL. Section  
21 241.187(1), Health and Safety Code, is repealed.

22 SECTION 5.05. TEXAS WINDSTORM INSURANCE ASSOCIATION.  
23 Section 2210.002, Insurance Code, is amended to read as follows:

24 Sec. 2210.002. SHORT TITLE [~~, SUNSET PROVISION~~]. [~~(a)~~]  
25 This chapter may be cited as the Texas Windstorm Insurance  
26 Association Act.

27 [~~(b) The association is subject to review under Chapter 325,~~

1 ~~Government Code (Texas Sunset Act), but is not abolished under that~~  
2 ~~chapter. The association shall be reviewed during the period in~~  
3 ~~which state agencies abolished in 2019 are reviewed. The~~  
4 ~~association shall pay the costs incurred by the Sunset Advisory~~  
5 ~~Commission in performing the review of the association under this~~  
6 ~~subsection. The Sunset Advisory Commission shall determine the~~  
7 ~~costs of the review performed under this subsection, and the~~  
8 ~~association shall pay the amount of those costs promptly on receipt~~  
9 ~~of a statement from the Sunset Advisory Commission regarding those~~  
10 ~~costs. This subsection expires September 1, 2019.]~~

11 ARTICLE 6. SUNSET REVIEW PROCESS

12 SECTION 6.01. DEFINITIONS. Section 325.002(1), Government  
13 Code, is amended to read as follows:

14 (1) "State agency" means an entity ~~[agency]~~ expressly  
15 made subject to this chapter.

16 SECTION 6.02. SUNSET ADVISORY COMMISSION. Section  
17 325.003(a), Government Code, is amended to read as follows:

18 (a) The Sunset Advisory Commission is a legislative agency  
19 that consists of five members of the senate and one public member  
20 appointed by the lieutenant governor and five members of the house  
21 of representatives and one public member appointed by the speaker  
22 of the house. The lieutenant governor and the speaker of the house  
23 may serve as one of the legislative appointees.

24 SECTION 6.03. COMMISSION DUTIES. Section 325.008(a),  
25 Government Code, is amended to read as follows:

26 (a) Before January 1 of the year in which a state agency  
27 subject to this chapter and its advisory committees are abolished,

1 the commission shall:

2 (1) review and take action necessary to verify the  
3 reports submitted by the agency under Section 325.007;

4 (2) consult the Legislative Budget Board, the  
5 Governor's Budget, Policy, and Planning Division, the State  
6 Auditor, and the comptroller of public accounts, or their  
7 successors, on the application to the agency of the criteria  
8 provided in Section 325.011;

9 (3) conduct a review of the agency based on the  
10 criteria provided in Section 325.011 and prepare a written report;  
11 and

12 (4) review the implementation of commission  
13 recommendations contained in the reports presented to the  
14 legislature during the preceding legislative session and the  
15 resulting legislation and prepare a written report.

16 SECTION 6.04. RECOMMENDATIONS. Section 325.012(c),  
17 Government Code, is amended to read as follows:

18 (c) The commission shall have drafts of legislation  
19 prepared to carry out the commission's recommendations under this  
20 section. The commission staff shall provide legislative services  
21 to support the passage of legislation prepared under this section.

22 SECTION 6.05. RECORDS PROTECTED FROM DISCLOSURE. Section  
23 325.0195, Government Code, is amended by amending Subsection (a)  
24 and adding Subsection (a-1) to read as follows:

25 (a) A working paper, including all documentary or other  
26 information, prepared or maintained by the commission staff in  
27 performing its duties under this chapter or other law to conduct an

1 evaluation, ~~and~~ prepare a report, draft legislation, or provide  
2 legislative services is privileged and confidential and not subject  
3 to discovery or subpoena, and is excepted from the public  
4 disclosure requirements of Section 552.021.

5 (a-1) Any record or communication that is held by a state  
6 agency being reviewed under this chapter that is either prepared  
7 for the commission by the state agency or provided to the state  
8 agency by the commission is confidential and excepted from the  
9 public disclosure requirements of Section 552.021. If information  
10 or data within a record or communication made confidential under  
11 this subsection is also maintained in another record, that other  
12 record is not made confidential or excepted from public disclosure  
13 by this subsection.

14 SECTION 6.06. REPEALER. Sections 325.020 and 325.0123(a),  
15 Government Code, are repealed.

16 ARTICLE 7. EFFECTIVE DATE

17 SECTION 7.01. EFFECTIVE DATE. This Act takes effect  
18 immediately if it receives a vote of two-thirds of all the members  
19 elected to each house, as provided by Section 39, Article III, Texas  
20 Constitution. If this Act does not receive the vote necessary for  
21 immediate effect, this Act takes effect September 1, 2017.